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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,618	03/29/2004	William James Telesco		2704

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EXAMINER

UNELUS, ERNEST

ART UNIT	PAPER NUMBER
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2181

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/811,618	Applicant(s) TELESCO, WILLIAM JAMES	
	Examiner Ernest Unelus	Art Unit 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) 1-61 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 62-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Fritz Fleming
FRITZ FLEMING

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION**I. RESPONSE TO THE APPLICANT'S ELECTION**

1. Applicant's election with traverse of Species V in Figure 6 mailed July 31, 2006 (Paper No. 07312006) in the reply filed on July 03, 2006 is acknowledged. The traversal is on the ground (s) that *"The applicant submits that claims 1-15 are generic to the embodiments shown in Figures 2, 3, 4, 5 and 6"*. **This is not found persuasive because Species V illustrated in figure 6 shows the I/O controller hub, device drivers, and BIOS, which are not disclosed in claims 1-15; therefore, claims 1-15 cannot be generic. The applicant's statement is not convincing because the applicant did not specifically indicate why claims 1-15 are generic.**

The applicant also stated that claims 16-70 correspond to the elected species V. This cannot be correct because claims 16-51 did not mention of an I/O controller hub, device drivers, or the BIOS.

The examiner also stated that there is not actually a claim that fully discloses the elected species. The examiner will consider the claims that best illustrated the elected species.

This is a break down of the claims that best illustrated the elected species:

<u>The features of the elected species</u>	Claims 52	Claims 57	Claims 62	Claims 69	Claims 70
I/O controller			√	√	√
Device drivers	√	√	√	√	√
BIOS					

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The requirement is still deemed proper and is therefore made FINAL.

Claims 1-61 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species V, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on July 03, 2006. Thus, at this point claims 62-70 are ready for examination by the examiner.

II. INFORMATION CONCERNING OATH/DECLARATION

Oath/Declaration

2. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in 37 C.F.R. 1.63.

III. INFORMATION CONCERNING DRAWINGS

Drawings

3. The applicant's drawings submitted are acceptable for examination purposes.

IV. OBJECTIONS TO THE SPECIFICATION

4. The application is objected to because of alterations which have not been initialed and/or dated as is required by 37 CFR 1.52(c). A properly executed oath or declaration which complies with 37 CFR 1.67(a) and identifies the application by application number and filing date is required.

In numerous pages of the specification, for example 43, and 49, the applicant discloses the phrase "our system", which indicated that there are numerous inventors. This phrase is not appropriate if only one inventor is listed in the application.

Page 5 on the applicant specification discloses the phrase "Does this make sense to bill? No". This phrase is inappropriate. It should be removed because the examiner doesn't know who is Bill. The phrase doesn't help to further explain the invention.

V. REJECTIONS NOT BASED ON PRIOR ART

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claims 62-70** rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility:

The applicant claimed "wherein controller and resource management system is operatively and functionally independent of said plurality of computer system resources. Multiple pages in the specification, for example 12, 26 27, and etc., discloses, " *the controlling function (controller and resource management system) for the computer system has been conceptually, physically, functionally, operationally and electrically separated from the processor, processor memory and application programs* .

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". The applicant did not explain how is this possible. According to the applicant present invention, for example, fig. 8, discloses a connection between the processor and the operating system. Given this, it is unclear how a computer system would be operable with the described levels of operation and functional independence of resources. For example, "conceptual physical, functional, operational, and electrical separation" between the processor, processor memory, and application program would seem to result in portions of the system not being able to communicate, resulting in a non-operational computer."

7. **Claims 62-70** rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In claims 62-70, the applicant started these claims with an apparatus and later discloses a method. Therefore, it is unclear which statutory class applicant is trying to claim.

Claim Rejections - 35 USC § 112

8. **Claims 62-70** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. **The applicant claimed "wherein controller and resource management system is operatively and functionally independent of said plurality of computer system resources. Multiple pages in the specification, for example 12, 26 27, and etc., discloses " *the controlling function (controller and resource management system) for the computer system***

has been conceptually, physically, functionally, operationally and electrically separated from the processor, processor memory and application programs

". The applicant did not explain how is this possible. According to the applicant present invention, for example, fig. 8, discloses a connection between the processor and the operating system. The applicant continuously stated "one skill in the art" or "those skilled in the art will recognize"; for example see pages 7, 10, 15, 26, 27, 28, 30, 31, 32, and 34. It is unclear how the computer operating system operated independently of the processor and processor instructions (see page 48, for example).

9. Claim 62-70 also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

10. Claims 62-70 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. **The applicant claimed "wherein controller and resource management system is operatively and functionally independent of said plurality of computer system resources. Multiple pages in the specification, for example 12, 26 27, and etc., discloses " *the controlling function (controller and resource management system) for the computer system has been conceptually, physically, functionally, operationally and electrically separated from the processor, processor memory***

and application programs". The applicant did not explain how is this possible. According to the applicant present invention, for example, fig. 8, discloses a connection between the processor and the operating system. The applicant continuously stated "one skill in the art" or "those skilled in the art"; for example see pages 7, 10, 15, 26, 26, 27, 28, 30, 31, 32, and 34. It is unclear how the computer operating system operated independently of the processor and processor instructions (see page 48, for example).

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 62-70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. **The applicant claimed "wherein controller and resource management system is operatively and functionally independent of said plurality of computer system resources. Multiple pages in the specification, for example 12, 26 27, and etc., discloses " *the controlling function (controller and resource management system) for the computer system has been conceptually, physically, functionally, operationally and electrically separated from the processor, processor memory and application programs* ". The applicant did not explain how is this possible. According to the applicant present invention, for example, fig. 8, discloses a connection between the processor and the operating system. The applicant continuesly stated "one skill in the art" or "those skilled in the art"; for example see pages 7, 10, 15, 26, etc.**

13. **Claims 62-70** are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claims 62, 68-70** are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art (AAPA) in view of Burd "Systems Architecture".

16. As per **claims 62 and 68-70**, (AAPA) discloses "In a communications computer system having a plurality of communications computer system resources, a controller and resource management system and method for controlling and managing said plurality of communications computer system resources, and handling a plurality of communications computer system events, said communications computer system comprising (see fig. 7):

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said controller and resource management system (**memory controller hub 9 and I/O controller 39 in fig. 7**);

said plurality of communications computer system resources (**computer system resources 18 in fig. 7**) comprising at least:

one processor (**processor 15 in fig. 7**) communicably coupled to said controller and resource management system (**see fig. 7**);

a plurality of communications computer system memories (**processor memory 14 and system memory 25 in fig. 7**) communicably and operatively coupled to said controller and resource management system (**see fig. 7**);

a plurality of bidirectional communications Input/Output (I/O) interfaces (**I/Os 29-35 in fig. 7**); wherein said plurality of communications computer system resources are operatively dependent on said controller and resource management system (**see AAPA, page 3**);

a system security (**system security in fig. 7**) function to notifying and alerting said plurality of communications computer system resources of said plurality of communications computer system (**see fig. 7**);

a watchdog timer function for monitoring the health and operation of said controller and resource management system (**see page 5 on the applicant's specification, which discloses the prior art having a watchdog timer for monitoring the health and operation of said controller and resource management system**)

a plurality of bidirectional Input/Output (I/O) interfaces (**I/Os 29-35 in fig. 7**) providing a means for direct coupling between a plurality of said controller and resource management systems (**see fig. 7**);

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a manager and scheduler function for managing and scheduling the plurality of processes to be performed by said plurality of communications computer system resources (**see page 42, which describes the prior art**)

a priority handler function for evaluating and categorizing said plurality of processes to be performed by said plurality of communications computer system resources (**see page 42, which describes the prior art**);

a configuration and device driver (**BIOS and device drivers 21 in fig. 7**) function for configuring and controlling said plurality of communications computer system resources (**see fig. 7**);

a plurality of communications computer system bidirectional Input/Output (I/O) interfaces (**I/Os 29-35 in fig. 7**) for coupling said controller and resource management system to said plurality of communications computer system resources (**see fig. 7**);

networking connections including local area networks (LANs) and wide area networks (WANs), having a plurality of integral layer-2 media access controllers (MACS) (**see AAPA page 50 and fig. 7**);

a plurality of bidirectional memory buffers (**API buffers 20 in fig. 7**) for providing buffing of data for said plurality of communications computer system bidirectional Input/Output (I/O) interfaces (**see AAPA page 13 and fig. 7**); a memory controller hub (**memory controller hub 9**) for coupling said controller and resource management system to said plurality of communications computer system memories (**see fig. 7**); an Input/Output (I/O) controller hub (**I/O controller hub 36**) for coupling said controller and resource management system to said

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plurality of communications computer system bidirectional Input/Output (I/O) interfaces (see fig. 7);

wherein said event handler comprising at least (see pages 13 and 14 in the applicant's specification, which discloses the prior having an event handler):

an event handler for assigning a type identifier label and

security level identifier label to said plurality of communications computer

system events (see page 4 in the applicant's specification), said event handler comprising;

a receiver and buffer for receiving said plurality of communications computer system events

(page 13 discloses the prior art events are "generated by the plurality of computer systems resources to the processor", which the API buffers 20 are a part of, which are bi-

directional, as discloses by the applicant; see page 8);

a type identifier (see page 4 in the applicant's specification, which discloses the prior having an type identifier): function coupled to said receiver and buffer for identifying the type of said plurality of communications computer system events and assigning a type identifier label to said plurality of communications computer system events (see page 4, which describes the prior art);

a security identifier function coupled to said type identifier function for identifying the security level of said plurality of communications computer system events and assigning a security level identifier label to said plurality of communications computer system events (see page 4, which describes the prior art); and

a routing function coupled to said security identifier function and further coupled to said system security function for routing said plurality of communications computer system events with their

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assigned said type identifier label and said security level identifier label to said system security function based on said event handlers determination of said type identifier and said security level identifier for received said plurality of communications computer system events (see **pages 5 and 13, which describe the prior art**);

wherein said method comprising: a method for receiving, identifying, routing, storing, notifying and alerting said plurality of communications computer system resources of said plurality of communications computer system events, wherein said plurality of communications computer system events are received into said receiver and buffer, said plurality of communications computer system events are sent to said type identifier function for identifying and labeling the type of said plurality of communications computer system events, said plurality of communications computer system events with said type identifier label are then sent to said security identifier function for identifying and labeling the security level of said plurality of communications computer system events, said plurality of communications computer system events with said type identifier label and said security level identifier label are routed by said routing function to said system security function based on said type identifier label and said security level identifier label assigned for said plurality of communications computer system events, said system security function storing said plurality of communications computer system events with said type identifier label and said security level identifier label and notifying and alerting said plurality of communications computer system resources of said

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type and said security level assigned to said plurality of communications computer system events, and wherein said system security function storing said plurality of communications computer system events with said type identifier label and said security level identifier label and notifying and alerting said plurality of controller and resource management systems of said type and said security level assigned to said plurality of communications computer system events, said system security function notifying and alerting said plurality of controller and resource management systems using said plurality of bidirectional Input/Output (I/O) interfaces (see pages 5, 13, and 42, which describe the prior art). The AAPA fail to specifically “wherein said controller and resource management system is operatively and functionally independent of said plurality of communications computer system resources”

Burd discloses “wherein said controller and resource management system is operatively and functionally independent of said plurality of communications computer system resources”(see page 496)

The AAPA and Burd are analogous art because they are from the same field process management.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the computer system that identify and prevent unauthorized access and corruption of the shared system resources as described by AAPA and a processor for executing software that is independently identified and managed by the operating system as taught by Burd.

The motivation for doing so would have been because Burd teaches that **“the processor can be stand-alone entities or part of a group of processes that cooperate to achieve a common purpose”** (see page 496).

Therefore, it would have been obvious to combine Wong et al. (US 2004/0111443) with Suzuki (US 2004/0078636) for the benefit of creating a computer system to obtain the invention as specified in claims 62, 69, and 70.

17. **Claims 63-67** are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art (AAPA) and Burd “Systems Architecture” in view of Hanzlik et al. (US pub. 2004/0044891).

18. As per **claims 63-67**, the combination of the AAPA and Burd discloses “The controller and resource management system of claim 62,” [See rejection to claim 62 above] but fail to specifically disclose the computer system is a wireless communicating device such as a cellphone, a portable computer such as a hand-held personal digital assistant (PDA) or laptop personal computer, a personal computer, a communications server, and implemented in hardware or firmware.

Hanzlik discloses the computer system is a wireless communicating device such as a cellphone (see **paragraph 0027**), a portable computer such as a hand-held personal digital assistant (PDA) or laptop personal computer (see **paragraph 0027**), a personal computer (see **fig. 7**), a communications server (see **communications server 102 in fig. 1A**), and implemented in hardware or firmware (see **paragraph 0036**).

The AAPA, Burd "Systems Architecture", and Hanzlik et al. (US pub. 2004/0044891) are analogous art because they are from the same field of endeavor of computer resources management.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the computer system that identify and prevent unauthorized access and corruption of the shared system resources as described by AAPA and a processor for executing software that is independently identified and managed by the operating system as taught by Burd, and a network to secure group communications as taught by Hanzlik.

The motivation for doing so would have been because Hanzlik teaches that **"The host unit is capable of supporting small devices, such as cell phones and PDA's. A software embodiment is also less expensive to produce, because it does not require encryption hardware"** (see paragraph 0036).

Therefore, it would have been obvious to Hanzlik et al. (US pub. 2004/0044891 with the AAPA and Burd "Systems Architecture" for the benefit of creating a computer system to obtain the invention as specified in claims 63-67.

VI. CLOSING COMMENTS

Conclusion

a. STATUS OF CLAIMS IN THE APPLICATION

19. The following is a summary of the treatment and status of all claims in the application as recommended by M.P.E.P. 707.07(i):

a(1) CLAIMS REJECTED IN THE APPLICATION

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20. Per the instant office action, claims 62-70 have received a first action on the merits and are subject of a first action non-final.

b. DIRECTION OF FUTURE CORRESPONDENCES

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernest Unelus whose telephone number is (571) 272-8596. The examiner can normally be reached on Monday to Friday 9:00 AM to 5:00 PM.


IMPORTANT NOTE

22. If attempts to reach the above noted Examiner by telephone is unsuccessful, the Examiner's supervisor, Mr. Fritz M. Fleming, can be reached at the following telephone number: Area Code (571) 272-4145.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 04, 2006

Ernest Unelus
Examiner
Art Unit 2181


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8/11/2006